

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:12CR202 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| ANTONIO MALDONADO, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motions to continue by defendant Antonio Maldonado (Maldonado) (Filing Nos. 35 and 37). Maldonado seeks a continuance of the trial scheduled for August 20, 2012. Maldonado has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Maldonado consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Maldonado's motions to continue trial (Filing Nos. 35 and 37) are granted.
2. Trial of this matter is re-scheduled for **October 1, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 15, 2012, and October 1, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 15th day of August, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge